

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

JOHN HIGGINBOTHAM,	§	
	§	
	§	Civil Action No. 4:17-CV-00229
v.	§	(Judge Schell/Judge Johnson)
	§	
INDYMAC BANK, F.S.B, ONEWEST	§	
BANK F.S.B., OCWEN LOAN	§	
SERVICING, L.L.C., NATIONSTAR	§	
MORTGAGE L.L.C., MORTGAGE	§	
ELECTRONIC REGISTRATION	§	
SYSTEMS, INC. (MERS), BRETT BAUGH,	§	
OR ANY TO ACT AS SUBSTITUTE	§	
TRUSTEE(S);	§	

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On June 1, 2017, the report of the Magistrate Judge (Dkt. #19) was entered containing proposed findings of fact and recommendations that Defendants Ocwen Loan Servicing, LLC (“Ocwen”) and CIT Bank, N.A. f/k/a OneWest Bank, N.A. f/k/a OneWest Bank, FSB’s (“OneWest”) Motion to Dismiss (Dkt. #8) and Defendants Mortgage Electronic Registration Systems, Inc. (“MERS”) and Nationstar Mortgage L.L.C.’s (“Nationstar”) Motion to Dismiss (Dkt. #12) be granted, and Plaintiff’s claims be dismissed against all Defendants.

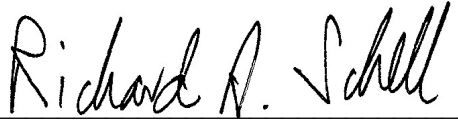
Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendants Ocwen and OneWest's Motion to Dismiss (Dkt. #8) and Defendants MERS and Nationstar's Motion to Dismiss (Dkt. #12) are **GRANTED**, and Plaintiffs' claims are **DISMISSED** against all Defendants with prejudice.

All relief not previously granted is **DENIED**. The Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this the 21st day of June, 2017.**

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE